THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION
AMENDMENT BILL 2006

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education, Science and Training, the Honourable Julie Bishop MP)
The purpose of the Bill is to amend the *Australian Nuclear Science and Technology Organisation Act 1987* to allow the Australian Nuclear Science and Technology Organisation (ANSTO) to condition, manage and store radioactive material and radioactive waste other than that which may arise directly from ANSTO’s activities.

As the pre-eminent expert body on radioactive materials and radioactive waste technology in Australia, with the facilities and trained personnel for managing radioactive material and waste, it is the Government’s intention that ANSTO be able to fully participate in the management of radioactive material and waste in the possession or under the control of any Commonwealth entity.

The Bill also ensures that ANSTO is able to provide effective assistance to State and Territory jurisdictions, if asked, in ensuring public health and safety in the event of an incident, including a terrorist or criminal incident, involving radiological material. Authority to accept and manage radioactive material arising from a terrorist incident is an important component of Australia’s counter-terrorism response.

Thirdly, spent nuclear fuel from ANSTO’s reactors is sent overseas under contractual arrangements for reprocessing to convert it into an intermediate level waste form suitable for long-term storage and eventual disposal in Australia. Australian spent fuel may be combined with spent nuclear fuel from many sources and processed in bulk campaigns. Accordingly, the Bill clarifies ANSTO’s authority to condition, manage and store the material returned to Australia as a result of the contractual arrangements entered into for this purpose.

The Bill allows ANSTO to manage radioactive material at the ANSTO Lucas Heights premises or elsewhere.

**FINANCIAL IMPACT**

Overall, the financial impact is considered to be negligible.
NOTES ON CLAUSES

Clause 1 – Short title
Provides for the Act to be cited as the *Australian Nuclear Science and Technology Organisation Amendment Act 2006*.

Clause 2 – Commencement
Provides that the Act commences on the day on which it receives the Royal Assent.

Clause 3 – Schedule(s)
Provides that each Act that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule, and that any other item in a Schedule has effect according to its terms.
Schedule 1—Australian Nuclear Science and Technology Organisation Act 1987

Items 1 to 6 Subsection 3(1)

Subsection 3(1) sets out definitions for a number of terms used in the Act. Items 1 to 6 add new definitions of ANSTO spent nuclear fuel, Commonwealth contractor, Commonwealth entity, law enforcement agency, spent nuclear fuel and subcontractor (for a contract) to subsection 3(1) to clarify the purpose and intent of the amendments made by items 7 and 8.

Item 7 After paragraph 5(1)(ba)

Section 5 of the Act sets out the functions of the Australian Nuclear Science and Technology Organisation (ANSTO). Item 7 inserts new paragraphs 5(1)(bb), (bc) and (bd) to permit ANSTO to:

- condition, manage and store radioactive materials and radioactive waste generated, possessed or controlled by the Commonwealth or a Commonwealth entity (as defined by item 3); and
- condition, manage and store radioactive materials and radioactive waste at the request of a law enforcement agency (as defined by item 4) or a Commonwealth, State or Territory agency responsible for the management of emergencies or disasters including (but not limited to) radioactive materials or radioactive waste involved in (or arising out of) a radiological incident or a radiological emergency; and
- condition, manage and store radioactive waste that has been (or is to be) sent to Australia under contractual arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel (as defined by item 1).

Item 8 After subsection 5(1B)

Inserts a new subsection 5(1C) which has the effect of clarifying that, without limiting ANSTO’s functions under paragraph 5(1)(bb) (the first dot point of the explanation of item 7), radioactive materials and radioactive waste generated, possessed or controlled by a Commonwealth contractor (as defined by item 2) under a contract between the contractor and the Commonwealth (or a Commonwealth entity) are taken to be generated, possessed or controlled by the Commonwealth (or the Commonwealth entity).

Item 9 At the end of paragraphs 5(5)(a), (b), (c) and (d)

Makes minor technical amendments to subsection 5(5) for greater clarity. The amendments are not otherwise intended to alter the effect of subsection 5(5).
Item 10  At the end of subsection 5(5)

Inserts a new paragraph 5(5)(g) to clarify that ANSTO may perform its functions for purposes related to the defence of the Commonwealth. This paragraph is linked to paragraph 5(1)(bc) inserted by item 7 (dot point 2 in the explanation of item 7 above).